

7 March 2006

To: Chair Isenberg and Members, MLPA Blue Ribbon Task Force

From: John Pearse for the proponents of Package 3

Re: Update on Package 3 and comparison with Package S

Dear Chair Isenberg and BRTF Members:

Members of the "Hybrid Group" met with the staff of the MLPA Initiative, SAT, and the DFG on February 6 to address your concerns regarding the different packages meeting SAT guidelines and lessening impacts on fisheries. Package 3 fared quite well in the earlier analyses so there was not that much that we needed to change. Mostly we just made minor changes to MPA boundaries to make them easier to enforce and consistent when possible with those of the other packages. We also modified the boundaries of the proposed Big Creek and Point Sal SMRs to lessen the impact on the spot prawn and surfperch fisheries, respectively.

The change of most importance was at Point Buchon where the SAT analysis indicated that our outer boundary was not far enough seaward to include deep rock and sand so that we had too much space between these habitats, namely the space between the Piedras Blancas and Point Sal MPAs. We followed staff suggestions and thought we had moved the boundary sufficiently seaward to correct the problem. However, when the subsequent SAT analysis was released, we found that the spacing problem was still present. I immediately contacted Mike DeLapa and asked that the outer boundary match that of Package 2 (which we thought it did). Mike replied that it was too late to make more changes, and we should point out our intention directly to the BRTF. By way of this memo we are doing so. The correction in the boundary separating the SMR and SMCA at Point Buchon should make the spacing analysis of Package 3 essentially the same as that of Package 2, as we intended. This minor adjustment should make a significant difference in the Package 3 gap analysis.

We were quite pleased that the MLPA staff package, Package S, adopted many elements that are in our package, Package 3. There are some differences, however, which we address below:

Año Nuevo and Natural Bridges: The boundaries for both of these sites in Package S include an offshore extension of the intertidal areas proposed in Package 3, presumably to enhance enforcement by adopting a straight line. However, this extension may have unintended socioeconomic impacts when the real intent was to protect the intertidal areas which are readily recognized along a contour line.

All the proposed SMRs at Año Nuevo (or Greyhound Rock) include a leased kelp bed that calls into question whether any can be designated as a SMR. However, the kelp in that area is predominately bull kelp (*Nereocystis leutkeana*), which is an annual that produces spores in the blades near the surface during summer and fall. Harvesting these blades seriously impacts the production of new sporophytes the following year. The same

applies to the close relative of bull kelp, sea palm (*Postelsia palmaeformis*), the harvest of which the DFG closely regulates. We recommend that the DFG review their kelp harvesting policies, and regulate differently kelp harvesting in forests dominated by bull kelp, such as off Año Nuevo and Greyhound Rock.

Opal Cliffs: We were disappointed that Package S abandoned our proposed Opal Cliffs SMP. Although small and restricted to the intertidal, the surf grass bed there is among the largest, if not the largest, in central California. The area experiences heavy use by curious tidepoolers during low tide, and occasionally people tear up the surf grass to collect clams. While the habitat is probably not under threat at this time, making it a SMP would give it the recognition it deserves as a very special place and help meet Goal 3

Monterey Peninsula: The MPAs in Package S for the north coast of the Monterey Peninsula are quite startling.

First: No recognition was given to the on-going conflict between hook-and-line fishers and divers, ignoring an opportunity to meet Goal 3. This issue should somehow be addressed in developing the regulations for this site—in Package 3 this is handled by restricting fishing to the nearshore part of the pier. Perhaps the safety issue should also be taken up by the City of Monterey. Fishing, in fact, is now of trivial importance in this area, but recreational diving is of major social and economic value. Measures should be taken to ensure that big fishes are present to be seen and enjoyed by the divers, which is consistent with Goal 3.

Second: The Hopkins SMR is expanded much more than in Package 3 (and 2), presumably guided by enforcement issues where existing buoys are used as markers. That expansion could adversely impact the squid fishery. In light of the point above, the enforceable boundary and ecological significance of the MPA off Monterey could be improved by expanding the Hopkins SMR eastward as a SMCA allowing seasonal kelp harvest, to include the area inside a straight line from the 1-mile buoy to the end of breakwater.

Third: The extraordinarily rich and diverse intertidal area of the west coast of Pacific Grove (west of Asilomar Avenue) is dropped as a SMR as proposed by both Packages 2 and 3. This area is the heart of the Pacific Grove Marine Gardens, and has been the center of a long-standing contentious issue between the DFG and the City of Pacific Grove. While some people within the community might only be satisfied with all of the Pacific Grove coastline being a reserve controlled by the city, most recognize and appreciate what is being attempted with the MLPA Initiative and understand the conflicting interests (e.g., kelp harvest and recreational fishing along with non-consumptive recreation). They would go along with the smaller SMCA in combination with the SMR proposed in Packages 2 and 3, thus avoiding continuing, unproductive, and potentially costly conflict, but almost certainly would oppose the SMCA-only approach proposed in Package S. We strongly urge you to seek revising Package S so that it includes at least the SMR west of Asilomar Avenue, as in Packages 2 and 3.

Pinnacles and Point Lobos: These SMRs are identical in Packages 3 and S. They serve mainly to protect extraordinary hard-rock biota, including fragile, long-lived corals, which attract large numbers of non-consumptive divers on commercial dive boats. In similar reserves in tropical coral reefs, the hard-bottom biota are protected from damage caused by anchors. We recommend that in implementing SMRs in these areas, in particular, permanent moorings be established for dive boats to tie up to, and the use of anchors prohibited.

Point Sur: We do not understand the rationale for shifting the SMR/SMCA south of Point Sur. The main kelp bed of the area, one of the largest on the west coast, is in the lee of the point, and it is critical that that kelp bed be included in the MPA.

Julia Pfeiffer Burns/Big Creek: We find it curious to reduce the size of the Big Creek SMR in Package 3, while adding the Julia Pfeiffer Burns SMR/SMCA. The net result is slightly more area being protected with two smaller MPAs rather than just one, as in Package 3. However, several smaller MPAs do not provide as much protection as one larger one for fish that have large home ranges that extend beyond the MPA boundaries. Moreover, with the additional boundaries, two MPAs could be more difficult to monitor and enforce than just one large one.

Purisima and Vandenberg: We have no problem with the Point Sal SMR in Package 3 being replaced by the Purisima SMR in Package S, as well as the expansion of Vandenberg SMR.

Offshore SMCAs at Point Lobos, Point Sur, Piedras Blancas, and Point Buchon: These SMCAs in Package S all permit commercial and recreational take of “pelagic finfish” while Packages 1, 2, and 3 restrict the take to salmon and albacore. Pelagic finfish include anchovies and sardines, which are used for bait and are also the major forage species for many marine fishes, birds, and mammals that concentrate around these headlands. For that reason *all* the stakeholders’ packages do not allow the take of baitfish in these SMCAs, only salmon and albacore. We recommend that Package S follow the stakeholders’ decision to only allow fishing for salmon and albacore in these SMCAs.

We recognize that the MLPA staff is recommending their package, Package S, as the preferred package to send on the Fish and Game Commission. Because it is so similar to Package 3, we support the recommendation of passing on Package S provided the above concerns can be addressed. It would be more straightforward, however to just pass on Package 3 as the preferred *stakeholders* alternative.

Sincerely,

John Pearse for the developers and proponents of Package 3